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12 UNITED STATES DISTRICT COURT

13 NORTHERN DISTRICT OF CALIFORNIA

14 NETFLIX, INC., a Delaware corporation,

Case No. C 06 2361 WHA (JCS)

15 Plaintiff,

16 v.
17 BLOCKBUSTER, INC., a Delaware
18 corporation, DOES 1-50,

**BLOCKBUSTER'S UNOPPOSED
MOTION TO EXTEND EXPERT
REPORT DEADLINE ONE WEEK
BECAUSE OF UNEXPECTED
SURGERY; PROPOSED ORDER**

19 Defendant.

20 AND RELATED COUNTERCLAIMS

Complaint Filed: April 4, 2006

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BLOCKBUSTER'S UNOPPOSED MOTION TO EXTEND EXPERT REPORT DEADLINE ONE WEEK
BECAUSE OF UNEXPECTED SURGERY; PROPOSED ORDER
CASE NO. C 06 2361 WHA (JCS)

1 Defendant and Counterclaimant, Blockbuster Inc., by and through undersigned
 2 counsel, will and hereby moves this Court for an order amending the Court's Case Management
 3 Order because of an unexpected medical problem requiring that Blockbuster's damages expert
 4 undergo cancer surgery on less than a week's notice and during the same week when his report is
 5 due.

6 Blockbuster retained Jeffrey Kinrich as its damages expert and arranged for him
 7 to respond to the damages report submitted on Friday, May 4, by Netflix's expert, David Teece.
 8 With that work in progress, Blockbuster's counsel learned for the first time on the afternoon of
 9 Wednesday, May 9, 2007, that Mr. Kinrich had just been scheduled to undergo cancer surgery
 10 the following Tuesday, May 15, 2007. Mr. Kinrich himself had just learned of the need for the
 11 surgery the preceding day.

12 Mr. Kinrich's surgery is scheduled during the same week in which his responsive
 13 report on damages is currently due. Blockbuster seeks a one week extension of time to permit
 14 Mr. Kinrich an opportunity to prepare his report, and a corresponding one-week extension of the
 15 deadline for Netflix's reply report on damages. Netflix does not oppose the modification sought
 16 by Blockbuster.

17 Specifically, Blockbuster requests that the following deadlines be modified:

Description	Current Deadline	Proposed Deadline
Deadline for Blockbuster's responsive expert report on damages issues	May 18, 2007	May 25, 2007
Deadline for Netflix's reply report on damages issues	May 25, 2007	June 1, 2007

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 25 This one-week extension will not impact the expert discovery cut-off previously
 26 ordered by the Court. Therefore, the requested modification is not expected to effect the
 27 progress of this case towards trial.

28 BLOCKBUSTER'S UNOPPOSED MOTION TO EXTEND EXPERT REPORT DEADLINE ONE WEEK
 BECAUSE OF UNEXPECTED SURGERY; PROPOSED ORDER
 CASE NO. C 06 2361 WHA (JCS)

1 For the foregoing reasons, Blockbuster requests that the Court modify its Case
2 Management Order to extend the aforementioned discovery deadlines.

3 Dated: May 11, 2007

4 BINGHAM MCCUTCHEN LLP

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6 By: _____ Mary T. Huser /s/
7 Mary T. Huser
8 Attorneys for Defendant and Counterclaimant,
BLOCKBUSTER INC.

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10 **IT SO ORDERED.**

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12 Dated: _____

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14 HONORABLE WILLIAM ALSUP
15 UNITED STATES DISTRICT COURT JUDGE

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28 BLOCKBUSTER'S UNOPPOSED MOTION TO EXTEND EXPERT REPORT DEADLINE ONE WEEK
BECAUSE OF UNEXPECTED SURGERY; PROPOSED ORDER
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